

DRAFT OF PROPOSED CITY CHARTER

As submitted by the sub-committee of the
PEOPLE'S CHARTER LEAGUE OF FITCHBURG.

Rights and Powers of the City.

Section 1.—The inhabitants of the city of Fitchburg shall continue to be a body politic and corporate, under the name of the city of Fitchburg, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations herein provided, or otherwise pertaining to said city as a municipal corporation.

Wards.

Section 2.—The city shall continue to be divided into six wards as the same are now established, until a new division of its territory be made in such manner as may be provided by law.

Elective Officers.

Section 3.—The government of said city and the general administration and control of its affairs shall be vested in a municipal council, to be called the board of aldermen, which shall be elected and shall exercise its powers in the manner hereinafter set forth; except, however, that the general administration and control of its public schools shall be vested in a school committee constituted in accordance with this act.

Section 4.—The board of aldermen shall consist of a mayor and as many aldermen as there shall be wards in said city. The school committee shall consist of the mayor and the president of the board of aldermen, ex officio, and as many other members as there shall be wards in said city. Said officers shall be sworn to the faithful performance of their respective duties. A majority of said board of aldermen, or of said school committee, respectively, shall constitute a quorum for the transaction of business. Except as hereinafter otherwise provided, the mayor and aldermen shall hold their offices for one municipal year, and the members of the school committee for three municipal years, next following

the time of their election, and until their successors shall be elected and qualified. Each municipal year shall begin at 10 o'clock in the forenoon of the first Monday of January.

Elections.

Section 5.—The regular annual election of city officers shall be held on the first Tuesday of December, at which time the qualified voters of the several wards shall give in their votes, by ballot, for such officers as may be required in this act or by law to be elected at that time.

Section 6.—In the year nineteen hundred and fourteen, there shall be elected at the annual city election, by the qualified voters of the city at large, the mayor, six aldermen, and six members of the school committee, of whom there shall be one alderman and one member of the school committee from each ward of the city. In every year thereafter there shall be a mayor elected by the voters as aforesaid, at the annual city election, and an alderman from each ward as aforesaid. Of the members of the school committee, two shall be elected for the term of three municipal years, two for the term of two municipal years, and two for the term of one municipal year. The board of registrars of voters shall in said year nineteen hundred and fourteen, previous to the calling of the municipal caucus, required by this act, determine by a drawing or otherwise, from which of the six wards the members of said committee shall be elected in said year, for the respective terms of three, two and one years. At each succeeding annual municipal election thereafter, there shall be elected by the voters as aforesaid, two members of the school committee for a term of three municipal years from the wards of which the terms of their members of said committee shall then in any such year be about to expire.

Section 7.—In the event of any future change of the number or bound-

aries of the wards of the city, the board of registrars of voters, or such board as shall then have the legal powers or duties now exercised by said registrars, shall in the year of such change, and in any subsequent year if necessary, previous to the calling of the municipal caucus, required by this act, determine by a drawing or otherwise, if necessary, for what wards and terms the required whole number of new members of the school committee shall be elected in that year, so that there may be preserved as nearly as possible, an equality of representation for each ward, and so that as nearly as possible the terms of an equal number of the members shall expire in each year, and at each succeeding annual municipal election thereafter there shall then be elected for a full term of office, such number of members as shall be necessary to provide successors for those whose terms shall then be about to expire, and from such wards as shall be necessary to attain and preserve an equality of representation for each ward. But each alderman or member of the school committee throughout his term of office shall be deemed to still represent the ward from which he was elected, if the same can be identified, notwithstanding his removal therefrom into another ward or his exclusion therefrom by a change in the number or boundaries of the wards.

Section 8.—If the person elected as mayor shall refuse to accept the office, or if said office become vacant from any cause, a new election of a mayor shall be called as provided by law, and repeated from time to time if necessary, until a mayor shall be elected and shall accept said office.

Section 9.—On the third Tuesday preceding every annual or special city election, at which any officer is to be elected by the qualified voters of said city, there shall be held a municipal caucus for the purpose of nominating candidates for such offices as are to be filled at such election, and the notice calling for such municipal caucus shall be issued at least forty days before the date of such election.

Section 10.—At every municipal caucus the polls shall be opened at such hour and kept open for such length of time as shall be stated in the call therefor; and, except as otherwise provided in this act, every municipal caucus shall be called by the same officers and held in the same manner and with

the same election officers as an annual city election, and like provision shall be made of polling places, official ballots, special ballots, specimen ballots, ballot boxes, voting and counting devices, voting lists, blank forms, apparatus and supplies, and by the same officials, as at an annual city election, and the provisions of law relating to election officers, voting places for elections, election devices and apparatus and blanks, calling and conduct of elections, manner of voting at elections, counting and recounting of votes at elections, corrupt practices, and penalties, shall apply to every such municipal caucus.

Section 11.—Any eligible person who is qualified to vote for a candidate for any office to be filled at an annual or special city election, and who is a candidate for nomination for such office, may have his name, as such candidate, printed on the official ballots to be used at the municipal caucus for nominations therefor, if he shall, at least ten days prior to such municipal caucus, file with the city clerk, a statement in writing of his candidacy, subscribed by him under oath, setting forth his name, the street and number of his residence as shown on the voting list, the office and term and ward (if any) for which he seeks nomination, and a request that his name be printed on such official ballots for such municipal caucus, and shall at the same time file therewith a petition of at least twenty-five voters qualified to vote at such municipal caucus, for a candidate for such office, subscribed by each such voter with his name and the street and number of his residence as shown on the voting list, requesting that the name of such candidate be printed on such official ballots for such municipal caucus as a candidate for nomination for such office. Women qualified to vote for members of the school committee may become candidates for nomination therefor, and may sign petitions of candidates therefor, in the same manner as male voters, and may vote for candidates for nomination therefor at any municipal caucus for that purpose in the same manner as male voters.

Section 12.—On the first day, other than Sunday or a legal holiday, following the expiration of the time for filing the above described statements and petitions, the city clerk shall cause to be published in one or more daily newspapers of said city, the names and

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residences of the candidates for nomination who have duly filed such statements and petitions, and the offices and terms and wards for which they are candidates, as they are to appear on the official ballots at the municipal caucus; and he shall thereupon prepare and cause to be printed the official ballots for such municipal caucus, which shall be the only ballots used at the same. They shall be headed in such manner as to show that they are official preliminary ballots, the ward in which, and the date on which they are to be used, and the offices for which nominations are to be made.

Section 13.—On said official preliminary ballots there shall be printed the name of every candidate who has duly filed such a statement and petition as above required concerning any office for which nominations are to be made at such municipal caucus, and also his residence, and the title and term of the office, and the ward (if any), for which he is a candidate; and the names of no other candidates shall be printed thereon. Special official preliminary ballots shall be prepared and printed in a similar appropriate manner for use at such municipal caucus by women qualified to vote therein for candidates for nomination for members of the school committee. There shall be printed on all said ballots such directions as shall aid the voters; for example, "vote for one," "vote for two," and the like. Blank spaces shall be left at the end of each list of candidates for nomination for the different offices, equal to the number to be actually elected thereto, in which the voter may insert the name of any eligible person not printed on the ballot for whom he desires to vote for nomination for such office. There shall not be printed or placed on any such ballot or appended to the name of any candidate thereon, any party or political designation or mark, or any other distinguishing designation or mark except as above provided.

Section 14.—Voters qualified to vote at a city election shall be qualified to vote at a municipal caucus, for candidates for nomination for any office, for whose election thereto they would be entitled to vote at a city election.

Section 15.—The election officers shall, immediately upon the closing of the polls at municipal caucuses, count the ballots and ascertain the number of votes cast for each person for nomination for each office, in the voting

places where they officiate, and shall make return thereof forthwith to the city clerk upon blanks to be furnished as in city elections. On the first day thereafter, other than Sunday or a legal holiday, the city clerk shall canvass said returns and forthwith determine the result of such canvass and publish the same in one or more daily newspapers of said city.

Section 16.—The two persons receiving at a municipal caucus the highest and second highest number of votes, respectively, for nomination for any office, shall be the chosen nominees for that office, and their names shall be printed as such nominees on the official ballots to be used at the ensuing annual or special city election; except that if two or more persons receive the same highest number of votes for nomination for the same office, then such persons shall be such chosen nominees, and their names shall be printed as such on said official ballots.

Section 17.—The provisions of the preceding section shall not preclude the city clerk from placing on the official ballots for a special city election the name of the holder of an office as a candidate therefor without nomination in such event as elsewhere provided in this act, nor be held to prohibit any legal number or body of voters from making nominations of candidates, in such manner as authorized by law, for any office to be filled at any annual or special city election, and having the names of their nominees printed as such upon the official ballots to be used at such election; but there shall not be printed or placed on any such ballot, or appended to the name of any nominee thereon, any party or political designation or mark, or anything showing how he was nominated or indicating his views or opinions.

Section 18.—Except as otherwise provided in this act, all annual and special city elections, and all matters pertaining thereto, shall be governed by the general laws of the commonwealth, so far as they may be applicable.

Organization of City Government.

Section 19.—At 10 o'clock in the forenoon of the first Monday of January, in the year nineteen hundred and fifteen, the existing city council, board of mayor and aldermen, board of aldermen and common council, board of street commissioners, board of water

commissioners, and board of trustees of public burial grounds, shall be abolished; the terms of office which the existing mayor, aldermen, common councilmen, members of the school committee, street commissioners, water commissioners, trustees of public burial grounds, overseers of the poor, and engineers of the fire department, are then serving shall terminate; and, except as is otherwise provided in this act, all the present powers and duties, under any general or special acts, of the mayor, board of mayor and aldermen, board of aldermen, city council, common council, board of street commissioners, board of water commissioners, and board of trustees of public burial grounds, shall vest in, devolve upon, and be exercised and performed by the board of aldermen, consisting of the mayor and the aldermen elected under the provisions of this act.

Section 20.—The board of aldermen elected as aforesaid shall meet at ten o'clock in the forenoon on the first Monday of January in each year, and the oath of office shall then be administered to the newly elected members thereof by the city clerks, or by a justice of the peace, a certificate whereof shall be entered upon its journal. The board of aldermen shall then be organized by the election of a president, who shall be its presiding officer in the absence of the mayor. It shall keep a record of its proceedings and judge of the election of its members. The oath of office may at any later time be administered to any member who may have been absent at its organization; and such organization shall take place at the aforesaid time, notwithstanding the absence, death, non-election, or refusal to serve, of the mayor or of one or more of the other members.

Section 21.—The school committee, consisting of the mayor and the president of the board of aldermen, ex officio, and of the other members elected under the provisions of this act, shall meet for organization in the evening of the first Monday of January of each year, and the newly elected members thereof shall then be sworn to the faithful discharge of their duties, and a certificate thereof entered upon its journal. The mayor shall preside over its meetings when present, and in his absence the president of the board of aldermen shall preside. It shall keep a record of its proceedings, and judge of the election of its members.

Section 22.—The board of aldermen shall annually, as soon after its organization as may be convenient, elect for the term of the ensuing municipal year, three overseers of the poor, one or more assistant assessors of taxes from each ward, a chief engineer and as many assistant engineers of the fire department as it may deem sufficient, a city messenger, a city treasurer and collector of taxes, a purchasing agent, a city solicitor, a city engineer, a city physician, a superintendent of streets, a superintendent of water works; an assessor of taxes for a term of three years; and also in such years and for such terms as required by law, a city clerk, a city auditor, and any other subordinate officers, whose election may be required by law, except as is otherwise provided in this act. It shall also within a like period appoint annually, or from time to time as required by law, and for such terms as required by law, constables and police officers and any other subordinate officers whose appointment may be required by law and not otherwise regulated thereby; and shall also appoint a chief of police for the ensuing municipal year, with all the powers and duties of a constable, and such other subordinate officers and agents as may be required by the provisions of this act or as it may deem needful for the proper conduct of the city's business in accordance with law and with this act, to continue in such office or employment for such terms as fixed by law, or otherwise during its pleasure.

Section 23.—The board of aldermen shall annually in January elect a member of a board of health consisting of three persons, one of whom shall be a doctor of medicine, and one a practical plumber, to hold office for three years next succeeding the first Monday in February following his election.

Section 24.—Except as otherwise required by law or by the provisions of this act, all officers, whether hereunder or otherwise elected or appointed, shall continue in office after the expiration of their terms until their successors are elected or appointed and qualified. Unless otherwise provided and required by law or ordinance in any case, elective officials shall be removable for cause, and appointive officials shall be removable at pleasure, by the board or authority electing or appointing them.

Section 25.—The board of aldermen and the school committee respectively shall prescribe the time and place of their regular meetings and the manner in which special meetings may be called. Meetings may also be held at any time when all the members are present and consent thereto. The mayor and the president of the board of aldermen shall have the right to vote in the meetings of either body, and of any other body of which they are members ex officio. The city clerk shall be the clerk of the board of aldermen. The superintendent of schools shall be the clerk of the school committee, and shall be elected annually by that body.

Section 26.—Except as otherwise required by law or provided in this act, every board, committee or other official body shall choose its own chairman and clerk, and establish rules for the conduct of its business; but the mayor shall be the chairman ex officio of those of which he is a member.

Section 27.—Should the office of mayor become vacant, the president of the board of aldermen shall exercise the powers and perform the duties of the mayor until a new mayor shall be elected and qualified. Should the office of any alderman become vacant, the same shall be filled for the unexpired term by the election of a member from the same ward, by a majority vote of the remaining members of the board of aldermen. Any vacancy in the school committee shall be filled from the same ward by joint ballot of the board of aldermen and school committee in any year until the end of the municipal year in which a member can be elected for the remainder of the unexpired term at the next annual city election for which nominations can be duly made at a municipal caucus. Any vacancy in any other office, board or body, shall be filled in the manner of an original election or appointment thereto, and for the remainder of the unexpired term, unless otherwise required by law.

The Mayor.

Section 28.—The mayor shall be the chief executive officer of the city. He shall have all such powers and duties as expressly provided in this act, or implied or involved in his membership of any board, committee or body. Except as otherwise provided in this act, he shall also have all such powers and duties as may by law be vested

in or imposed upon the mayor of a city. He shall have and exercise all the executive powers of the city for which no other provision is made in this act or required by law, and shall exercise the same either personally or through the proper officers or boards under his general supervision and control.

Section 29.—The mayor shall be active and vigilant to secure the proper observance and enforcement of the laws and of the city's ordinances and regulations, and shall keep a general advisory supervision over the conduct of all other city officers and of all branches of the city's business.

Section 30.—Except in cases of emergency measures as hereinafter defined, the mayor shall have such power to veto as provided by law over such orders, ordinances, resolutions or votes of the board of aldermen, as involve an appropriation or expenditure of money or the raising of a tax, but of no others. Every order, resolution or vote of the school committee involving an expenditure of money shall likewise be presented to him for his approval, and thereupon he shall have the same power of veto, and the same proceedings shall be had, as concerning similar orders, resolutions or votes of the city council.

The Board of Aldermen.

Section 31.—The board of aldermen shall have all such powers and duties as expressly provided in this act. Except as otherwise required by law or in this act, it shall also have and exercise by majority vote the legislative powers of towns and of the inhabitants thereof and all the powers and authority of a city council or a board of aldermen or a board of mayor and aldermen under the general laws of the commonwealth, and be subject to the duties imposed upon such a council or board, and shall also have and exercise in like manner all the powers vested by law in the city of Fitchburg or in the inhabitants thereof as a municipal corporation, or in the selectmen of towns generally, or in the selectmen of the town of Fitchburg or the city council or the aldermen or the mayor and aldermen of the city of Fitchburg under any special act not inconsistent herewith.

Section 32.—The board of aldermen shall be the principal executive board of said city, and shall have the general administration and control of its af-

fairs and exercise its executive powers excepting such as are reserved exclusively by law or in this act to the mayor or the school committee or to any other officer, board or body. It shall have the active supervision and control of its subordinate officers and departments in all matters within its executive authority as aforesaid. The mayor and the several aldermen respectively as its members shall be heads of departments of the city's business as hereinafter provided, and each of them shall manage his respective department under the supervision and control of said aldermen as a board, which shall determine the policy to be pursued and the work to be undertaken in each department; and each member shall have full power to carry out such policy and have such work performed in his department as directed by said board within its executive authority as aforesaid.

Section 33.—The supervision of the administration of all affairs within the executive authority of the board of aldermen shall be divided into seven departments, to wit: Public safety, public service, finance, health and charities, highways, public property, and civic affairs. Of the mayor and the several aldermen, the board of aldermen at the beginning of each municipal year shall by majority vote designate one to be director of public safety, one to be director of public service, one to be director of finance, one to be director of health and charities, one to be director of highways, one to be director of public property, and one to be director of civic affairs. Such designation may be changed whenever it appears that such change would promote the public interest.

The department of public safety shall include the following sub-departments and all boards and offices connected therewith, to wit: Police, fire, wires and wire inspection, poles and conduits.

The department of public service shall include the following sub-departments and all boards and offices connected therewith, to wit: Water supply, water works, street watering, hydrants, fountains, public lighting and the exercise of public franchises.

The department of finance shall include the following sub-departments and all boards and offices connected therewith, to wit: Treasury, auditing, assessing, tax collection, sinking funds, purchasing, and printing.

The department of health and charities shall include the following sub-departments and all boards and offices connected therewith, to wit: Health, city physician, hospitals, garbage collection, inspection of animals, inspection of meat and provisions, inspection of milk and vinegar, poor, soldiers' relief, state and military aid.

The department of highways shall include the following sub-departments and all boards and offices connected therewith, to wit: Streets, highways and other ways, sidewalks, bridges, engineering, and collection of ashes.

The department of public property shall include the following sub-departments and all boards and offices connected therewith, to wit: Public buildings, building inspection, cemeteries, parks, public grounds, forestry and moth suppression.

The department of civic affairs shall include the following sub-departments and all boards and offices connected therewith, to wit: Weights and measures, licenses, city clerk, city records, registration of voters, elections, claims, and legal affairs.

Any board or official or branch of city business within the executive authority of the board of aldermen and not included in the foregoing assignment of departments, shall be assigned by ordinance to the department best adapted to include the same. And the board of aldermen may by ordinance change the name or number of said departments of the distribution of boards, offices, and sub-departments among them, whenever it is deemed necessary for the public interest.

Section 34.—The board of aldermen shall elect and appoint subordinate officers, agents and boards, as provided in sections twenty-two and twenty-three of this act, and shall have such powers of removal as provided in section twenty-four of this act, and shall also have like powers of suspension as of removal unless otherwise required by law or ordinance, in any case. It may also by ordinance, unless contrary to the express provisions of law or of this act, establish additional offices or boards and define their duties and assign them to proper departments or may likewise abolish any established office or board or divide and distribute its powers and duties, or consolidate established offices or boards, or increase or diminish the number of persons performing the duties of any office or board.

Section 35.—Except as otherwise required by law or by this act, the board of aldermen shall fix the salaries or compensation of all officers and employees of the city. The salaries of the mayor and aldermen for the year nineteen hundred and fifteen shall not exceed the sum of two thousand dollars for the mayor, or the sum of one thousand dollars for each alderman, and no increase of the salaries of the mayor or aldermen at any time shall affect the salary of the mayor or any alderman during the term he is then serving. A member of the board of aldermen shall not during his term of office hold any other office or employment entitling him to any additional salary or compensation from the city, but he may without additional compensation hold or perform the duties of any office or employment within his respective department or which he may already hold at the time of his election as mayor or alderman.

Section 36.—The board of aldermen shall have authority and power to lay out or alter or discontinue any street or way or sidewalk, and to estimate the damages any person may sustain thereby, and to make such assessments therefor as may be authorized by law. It shall have the care and superintendence of the city buildings, and the custody and management of all city property, with power to let what may be legally let, and to sell or purchase property, real or personal, in the name and for the use of the city, whenever its interests or convenience may in their judgment require it; and it shall, as often as once a year, cause to be published for the use of the inhabitants, an itemized account of the receipts and expenditures and a schedule of city property and of the city debt. It shall take care that no money be paid from the treasury unless granted or appropriated, and shall secure a just and proper accountability, by requiring bonds with sufficient penalties and sureties from all persons intrusted with the receipt, custody or disbursement of money.

Section 37.—The board of aldermen shall have power within said city, to establish ordinances consistent with law and with this act or to amend or repeal the same, and to affix thereto such penalties as provided or authorized by law without the sanction of any court or of any justice thereof. Any ordinance so established or amended shall be published forthwith

in such newspapers as designated by said board of aldermen, and shall, subject to the provisions of this act relating to the referendum, and unless passed as an emergency measure for the immediate preservation of the public health, peace or safety, or unless containing an express provision for a later date, take effect at the expiration of ten days from its passage if no penalty is provided for its violation, and otherwise at the expiration of thirty days from its passage. Any emergency ordinance shall take effect upon its passage. All existing ordinances, so far as consistent with this act, shall continue in force until amended or repealed.

Section 38.—No public franchise, nor any right in, under or over any public street or way, shall be granted except by a majority vote of all the members of the board of aldermen; and every order granting any such franchise or right shall lie on the table in said board for at least one week before its final passage, and shall be subject to the provisions of this act relating to the referendum; and no general public franchise shall be valid until the same shall be submitted to the voters of the city, and be approved by a majority vote of the qualified voters of the city voting thereon at a regular or special city election.

Section 39.—Any legislative measure of the board of aldermen except grants of franchises and rights as aforesaid or measures involving an expenditure or liability of more than three hundred dollars, may be passed through all its stages of legislation at one meeting if no member objects thereto. Any measure except grants of franchises and rights as aforesaid, if passed as an emergency measure by an affirmative vote of at least two-thirds of said board for the immediate preservation of the public health, peace or safety, and containing an express statement of its urgency, may be passed through all its stages at one meeting. Except as aforesaid, final action on any measure shall be postponed until some future meeting. All measures, except emergency measures, shall be subject to the provisions of this act relating to the referendum. Any emergency measure shall take effect upon its passage. Subject to said provisions for the referendum, all other measures except ordinances and general franchises shall take effect at the expira-

tion of ten days from their passage unless vetoed by the mayor under the authority provided in this act, and any measure so vetoed shall take effect only at the expiration of ten days after it shall have been passed again, notwithstanding such disapproval, in the manner required by law.

Schools.

Section 40.—Except as otherwise provided in this act, the school committee shall have all the powers and duties pertaining by law to school committees. It shall elect annually a superintendent of schools, and shall from time to time elect or appoint such subordinate officers, teachers and employees as required by law, and may also appoint such others as it may deem necessary for the discharge of its duties and the conduct of the schools of said city. Except as otherwise required by law or by this act, it shall define their terms of service and duties, and fix their salaries or compensation, and may suspend or remove them at pleasure. Its members shall serve without compensation, and shall not during their term of office hold any paid office or employment under the appointment or control of said committee.

Section 41.—Unless so authorized by law, the school committee shall not cause any expenditure or liability to be made or incurred for any purpose beyond the specific appropriation made therefor by the board of aldermen, except that before the annual appropriations are made in any new financial year, monthly liabilities payable out of a regular appropriation may be incurred to an amount not exceeding in any month one-tenth of the total appropriation for similar purposes in the preceding year.

Overseers of the Poor.

Section 42.—The board of overseers of the poor shall consist of the mayor and the president of the board of aldermen ex officio, and of three persons elected as provided in section twenty-two of this act, of whom not more than one shall be elected from the same ward.

Purchasing Agent.

Section 43.—There shall be a purchasing agent who shall purchase all supplies for the city; but all purchases or contracts for purchase involving

more than twenty-five dollars shall be based upon competition. Supplies for the school department shall be purchased in accordance with such requests and specifications as received from the school committee. A record shall be kept of the prices paid, and to whom paid, for all supplies, and shall be open to public inspection.

Sewage Disposal.

Section 44.—The provisions of chapter four hundred and sixty-one of the acts of the year nineteen hundred and ten, and of chapter four hundred and forty of the acts of the year nineteen hundred and twelve, and of all other acts consistent therewith relating to the sewage disposal of said city shall continue in force; and the board of sewage disposal commissioners during their period of office shall continue to exercise such powers and perform such duties as therein provided.

Fire Protection.

Section 45.—All powers and authority formerly vested in the selectmen of the town of Fitchburg in relation to the fire department in said town and later transferred to and vested in the mayor and aldermen or the city council of said city, and all such powers vested in said city or the mayor and aldermen or the city council by any act of the legislature, are hereby given to and vested in the board of aldermen constituted in accordance with this act. The board of aldermen may establish fire limits within the city and change or enlarge the same from time to time, and regulate by ordinances consistent with law the construction and inspection and use of buildings or structures erected within said limits and said city, stipulating their location, sizes, and the materials of which they shall be constructed, and such other rules and regulations as may tend to prevent damage by fire or to preserve life.

Water Supply.

Section 46.—The powers and authority heretofore vested in the town of Fitchburg, or in the city of Fitchburg, with reference to water and water supply and the protection of the purity thereof, and all votes of said town or city passed in accordance with any act of the legislature concerning water or water supply in said town or city or the protection of the purity thereof, shall continue in force.

Burbank Hospital.

Section 47.—The provisions of chapter four hundred and twenty-two of the acts of the year eighteen hundred and ninety, and of all other acts consistent therewith relating to the establishment and maintenance of a public hospital as contemplated by the will of Gardner S. Burbank, shall continue in force.

Municipal Development Commission.

Section 48.—The provisions of chapter three hundred and twenty-seven of the acts of the year nineteen hundred and thirteen, entitled "An act to provide for a municipal development commission for the city of Fitchburg," shall continue in force for the period therein provided.

Section 49.—Neither the board of aldermen nor the school committee shall make or pass any measure involving an expenditure or liability of more than three hundred dollars, or making or authorizing any contract involving such expenditure or liability, unless the same is introduced in writing and notice thereof is published by the city clerk in one or more daily newspapers of said city at least one week before its passage, except an emergency measure for the immediate preservation of the public health, peace or safety containing a statement of its urgency and passed by an affirmative vote of at least two-thirds of said board of aldermen or of said school committee. The city clerk shall publish said notice as soon as any such measure or a written copy thereof is filed with him for introduction or for such publication.

Section 50.—The director of finance shall in each month cause to be printed in pamphlet form a detailed itemized statement of all receipts and expenditures of the city during the preceding month, and of all bills and accounts owed by the city at the end of the preceding month, in such a manner as to show the monthly revenue and expenses of each department, and shall furnish copies thereof to the public library, to all newspapers published in said city, and to persons who may apply therefor. At the end of the municipal year he shall cause a complete examination of all books and accounts of the city to be made by competent accountants, and shall publish the result of such examination in the manner above provided concerning monthly statements. The school committee

shall furnish to him such information facts, figures and data as may be necessary to carry out the provisions of this section concerning the school department.

Recall of Officers.

Section 51.—The holder of any elective city office may be removed therefrom by the voters qualified to vote at city elections, except in cases where such removal would be contrary to the express requirements of general or special law. A petition therefor, signed by at least one-fourth of the registered voters of the city, and demanding an election by said qualified voters of a successor to the person whose removal is sought, shall be filed in the office of the city clerk. Such petition may consist of several distinct papers, each of which shall contain a general statement of the grounds for removal. Each signer shall add to his name the street and number of his residence as shown on the voting list. One signer of each paper shall make oath that he believes the statements therein made to be true and each signature to be genuine.

Within ten days after the original filing of such petition, the city clerk, with the assistance of the registrars of voters, shall examine such petition and all papers until then filed as a part thereof, to ascertain whether the same are signed by the required number of voters, and shall certify thereon the result of his examination. If from such certificate, the petition appears not to be signed by the required number of voters it may be supplemented within ten days thereafter by other papers in like form as aforesaid; and the city clerk, within ten days after such supplementation, shall make a like examination of the petition as supplemented, and certify the result thereon; and if the petition is found to still lack a sufficient number of signers, no further proceedings shall be had thereon. Registered women voters shall be deemed qualified voters under the provisions of this section in case of petitions affecting members of the school committee and shall be counted as such in computing the sufficiency of such petitions, but not otherwise.

If the petition as filed or supplemented, shall be certified by the city clerk to be sufficient, the board of aldermen shall forthwith call the election

so demanded, and shall fix therefor a date not less than forty days thereafter. Such election shall be called and held and conducted, nominations made therefor, returns thereof made and the result thereof declared in the same manner as other city elections, except as otherwise provided in this section. The person whose removal is sought may be a candidate at such election without being nominated at the municipal caucuses or otherwise, and the city clerk shall place his name as a candidate on the official ballot unless he requests otherwise in writing. If any candidate other than the incumbent receives the highest number of votes, he shall be declared elected, shall thereupon enter upon the office for its unexpired term, and the incumbent shall be deemed to be thereby removed therefrom. No election under the provisions of this section shall be held upon or called for any date within three months next preceding the annual city election or within three months next following any regular or special city election; but the same may be held in connection with such annual election, and a single date may be fixed for a special election concerning any number of distinct offices or matters for which an election may be required in accordance with the provisions of this or any other section of this act.

Initiative.

Section 52.—If a petition, by at least one-fifth of the registered voters of the city, signed, sworn, examined and verified in the same manner as required in the preceding section, requesting the board of aldermen or school committee to pass some measure therein set forth or described, shall be filed in the office of the city clerk and certified by him to be sufficient in like manner as provided in the preceding section, the board of aldermen or the school committee, as the case may be, shall if such measure be one which it may have a legal right to pass:

(a) Pass such measure without alteration within twenty days after the city clerk's certification of the sufficiency of such petition, or

(b) Submit such measure to the qualified voters of the city at an election to be called therefor in the manner provided in the preceding section, or at the next annual city election if so requested in the petition; provided that no election under the provisions

of this section shall be held upon or called for any date within three months next preceding the annual city election or within three months next following any regular or special city election, and that a single date may be fixed for a special election concerning any number of distinct measures or offices for which an election may be required in accordance with the provisions of this or any other section of this act.

The votes upon any such measure at any such election shall be taken by ballot in answer to the question, "Shall the measure (stating its nature) be passed?" which shall be printed on the ballots after the list of candidates, if any. If a majority of the qualified voters voting on any proposed measure shall vote in favor thereof, it shall thereupon become a valid and binding measure of the city; and no measure passed by the board of aldermen or school committee, or by the qualified voters of the city, under the provisions of this section, shall be repealed or amended except by the qualified voters of the city at an annual or special city election. The board of aldermen or school committee, as the case may be, may submit a proposition for the repeal or amendment of any such measure to such a vote at any annual city election; and should such proposition receive a majority of the votes thereon at such election, the measure shall thereby be repealed or amended accordingly. The vote upon such repeal or amendment at any election shall be taken by ballot in answer to the question, "Shall the measure (stating its nature) be repealed?" or "amended (stating the nature of the amendment)?" as the case may be, which shall be printed on the ballots after the list of candidates, if any.

Whenever any such measure or proposition is required by this act to be submitted at any election as aforesaid, the city clerk shall cause the same to be published once in all the daily newspapers published in said city, such publication to be not less than five days before the date of such election.

A petition under the provisions of this section may consist of several distinct papers, each of which shall set forth or describe the measure whose passage is requested; and shall be presented forthwith by the city clerk to the body to which it is addressed, when found by him to be sufficient for certi-

fication as aforesaid. Any measure passed in any manner provided in this section may prescribe such penalty for its violation as either the board of aldermen or the school committee would otherwise have the right to affix to such a measure. If any proposed measures passed at the same election conflict with each other in any of their provisions, they shall take effect as to such provisions as are not in conflict, and that one of the conflicting provisions shall take effect which is contained in the measure receiving the greatest number of affirmative votes, and the other conflicting provisions shall be void.

Registered women voters shall be deemed qualified voters under the provisions of this section in case of such proposed measures as are wholly within the rights and powers of the school committee, and shall be counted as such in computing the sufficiency of petitions therefor, but not otherwise.

Referendum.

Section 53.—If during the ten days next following the passage of any measure by the board of aldermen or school committee, a petition signed by at least one-seventh of the registered voters of the city, protesting against the passage thereof, shall be filed in the office of the city clerk, such measure shall be suspended from taking effect and its passage shall be reconsidered, and if not wholly repealed it shall be submitted to the qualified voters of the city at the next annual city election, or at an election to be called and held in like manner as under the preceding section, and it shall not take effect or become operative unless a majority of the qualified voters voting thereon shall vote in favor thereof. The vote thereon at any such election shall be taken by ballot in answer to the question, "Shall the measure (stating its nature) take effect?" which shall be printed on the ballots after the list of candidates, if any. A petition under the provisions of this section may consist of several distinct papers, each of which shall set forth or describe the measure whose passage is protested; and it shall be signed, sworn, examined, certified, and presented to the proper body in like manner as petitions under the preceding section; and such petition and the proceedings thereon, and questions arising in or resulting from the submission of a protested measure

to an election as herein provided, shall be subject to the provisions of the preceding section so far as applicable thereto and consistent with those of this section.

Meetings of Citizens.

Section 54.—General meetings of the citizens may be held from time to time to consult upon the public good, to instruct their representatives, and to take all lawful means to obtain redress for any grievances. Such meetings shall be called by the board of aldermen upon the petition of fifty qualified voters, stating the purposes thereof; and public notice of the same shall be given at least three times in one or more newspapers of said city.

General Provisions.

Section 55.—All acts and parts of acts inconsistent with this act are hereby repealed so far as inconsistent herewith and applicable to the city of Fitchburg; and all ordinances, orders or resolutions, or parts thereof, inconsistent with this act are hereby annulled so far as inconsistent herewith; but such repeal or annulment shall not affect any rights accrued, any penalty or forfeiture incurred, or any suit pending when the appeal or annulment takes effect; and all persons then holding office under existing provisions of law, except as herein otherwise provided, shall continue to hold office and exercise the powers thereof until their successors are elected or appointed in accordance with the provisions of this act; and all acts, ordinances, orders or resolutions, or parts thereof, not inconsistent herewith, shall continue in force so far as consistent herewith until hereafter repealed or amended.

Section 56.—This act shall be submitted to the qualified male voters of the city of Fitchburg at a special election to be held on the third Tuesday of September in the year nineteen hundred and fourteen. The vote shall be taken by ballot, in accordance with the provisions of law regulating elections, in answer to the question, "Shall an act passed by the general court in the year nineteen hundred and fourteen, entitled 'An act to revise the charter of the city of Fitchburg' be accepted?" The affirmative votes of a majority of those voting thereon shall be required for its acceptance.

Section 57.—So much of this act as directs its submission to the voters of said city shall take effect upon its pas-



sage. If accepted upon such submission, so much thereof as relates to elections and municipal caucuses hereunder shall then apply to the nomination and election of officers to be elected hereunder at the annual city

election to be held on the first Tuesday of December in the year nineteen hundred and fourteen, and its remaining provisions shall take full effect on the first Monday of January in the year nineteen hundred and fifteen.